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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,546	06/26/2001	Dale F. McIntyre	83012F-P	1860

7590

04/21/2004

Milton S. Sales  
Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

EXAMINER

ROSARIO-VASQUEZ, DENNIS

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/891,546

Applicant(s)

MCINTYRE, DALE F.

Examiner

Dennis Rosario-Vasquez

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figures 22 and 23 have the word "fig" missing due to the paper hole punch.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

Page 1 of the specification provides a cross reference to related applications. A request is made for updating the serial numbers and filing dates of the related applications.

Appropriate correction is required.

### ***Claim Objections***

3. The following quotations of 37 CFR § 1.75(a) is the basis of objection:

(a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

4. Claim 1,4 and 6 are objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

5. Regarding claims 1 and 4 have the phrase "of the high resolutions digital image files" at lines 7 and 7, respectively. The phrase does not make the claims clearly understood. Therefore the phrase will be interpreted as "of the high resolution[ ] digital image files".

Claim 6 is referring to a method clam, but claim 6 depends on system claim 4. Therefore at claim 6, line 1, "A method" will be interpreted as "A system".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami et al. (US Patent 5,761,404 A) and in view of Hess et al. (US Patent 6,058,417).

Regarding claim 4, Murakami et al. teaches a system (fig. 1) for providing assistance in recreating (fig. 1, num. 150) a digital image file on a user computer (fig. 1, num. 235) from information (fig. 1, num. 120) obtained over a communication network (fig. 1, num. 110 and 210) retained at a remote location (Fig. 1, num. 100 "remotely read[s] out data from a local file" using the flow chart of figure 5, num. 655) with respect to said image file, comprising:

A provider having a provider computer (fig. 1, num. 100) that analyzes a user storage device (fig. 1, num. 235) in said user computer over said communication network so as to obtain (fig. 1, num. 145) digital image files stored on said storage device and storage parameters (fig. 1, num. 120: "WORK-FLOW MANAGING UNIT" or more specifically, figure 2 is a table that is used by the WORK-FLOW MANAGING UNIT. Within the WORK-FLOW MANAGING UNIT shows a storage parameter 350: "ATTRIBUTE COLUMN" ) of the digital image files;

Said provider storing said digital image files and said storage parameters at a remote server (fig. 1, num. 100 or remote server comprises the said provider.) of a provider;

Said provider transmitting (fig. 5, num. 660) said storage parameters over a communication network (fig. 1, num. 110 and 210) to said user computer so as to assist in reconstructing the digital image files in said user storage device (Using figure 1, Murakami et al. states, "...file-transfer managing unit 155, which determines the transfer destination of the file at the transfer origin, retransmits the data to a user requesting the recovery. In this way, the loss due to lost data can be suppressed to a minimum (col. 9, lines 26-31).").

Murakami et al. does not teach reconstructing a digital image with a high and low resolution as claimed, but Murakami et al. does teach that a user performs document processing of an image at col. 5, lines 11,12 and retrieves an earlier version of a processed image.

However, Hess, in the field of endeavor of network file management, does teach the use of low-resolution images for storage within a server that is used with a network. More specifically first, Hess teaches that a user provides the location of an original document to a server (fig. 7, num. 710). Second, the original image is downloaded (fig. 7, num. 730) in the server and is reduced in size and stored as a thumbnail or low-resolution image (fig. 7, num. 760) for later display to other users over a network using a network browser (fig. 9a).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to include the teachings of Hess et al.'s storage of low-resolution images within a server with the teachings of Murakami's storage parameters of figure 2, num. 350 for image retrieval, because "users that access...the thumb server 430...will have enhanced performance as a result of the thumbnail images being cached because the data for rendering the web pages will be available much faster (Hess et al., col. 9, lines 40-45)." Therefore a user can retrieve an image with Murakami's storage parameters while viewing a thumbnail of the desired image that will be retrieved.

Regarding claim 5, Hess et al. teaches the system according to claim 1 wherein said storage parameters comprises data structure of said high resolution digital image files. Hess teaches that an image can be retrieved by using a URL or a directory path supplied by an user at the step of figure 7, num. 710 and at col. 7, lines 45-50.

Regarding claim 6, Hess et al. teaches the system according to claim 4 wherein said storage parameters are updated at routine communication intervals. Hess states, "...a user may change the originally specified image or provide a new URL to be associated with an item for sale (col.6 , lines 42- 44)."

Claim 1 is similar to and addressed in claim 4.

Claim 2 is similar to and addressed in claim 5.

Claim 3 is similar to and addressed in claim 6.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schutzman et al. (US Patent 6,505,216 B1) is pertinent as teaching a method of backing up files (fig. 1, num. 113) using portions of a file(fig. 1, num. 114-1, 114-2, 114-L) to recover a portion (114-2 is used to back up section 116-2 of the original file) of the original file (116-1, 116-2, and 116-K).

Midgley et al. (US Patent 6,460,055 B1) is pertinent as teaching a method of backing up files using an updated directory (fig. 4).

Sakai et al. (US PGPB 2001/0003180 A1) is pertinent as teaching a method of selecting a thumbnail from a client computer for storage on a server at col. 17, paragraph 284.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

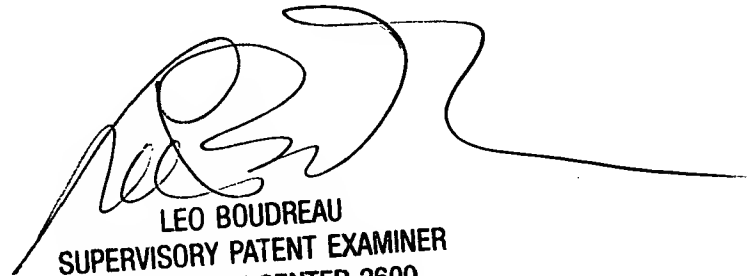
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRV

Dennis Rosario-Vasquez  
Unit 2621



LEO BOUDREAU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600